IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA WAYCROSS DIVISION

EDWARD PALMORE,

Plaintiff.

VS.

CIVIL ACTION NO.: CV510-040

TINA TUCKER and STEVEN CHAMBLESS.

Defendants.

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff asserts that he did not provide his signature on the informal grievances, which would have indicated whether he felt these grievances were resolved at the informal level. Plaintiff also asserts that he did not acknowledge in writing whether he wanted a formal grievance form. According to Plaintiff, the Standard Operating Procedure ("SOP") governing the grievance procedures required that he sign the informal grievances and acknowledge whether he wanted a formal grievance form.

Contrary to Plaintiff's contentions, an inmate was not required to sign an informal grievance form, only the formal grievance form, to acknowledge receipt of the warden's response, per SOP IIB05-0001. (Dkt. No. 122-3, pp.8-11). Plaintiff signed Formal Grievance Number 216726 as an acknowledgment of the Warden's response. (Dkt. No.

71-2, p. 28). In addition, there is nothing in the SOP which indicates that an inmate was required to make a written request for a formal grievance form, only that an inmate had to complete the informal grievance procedure before pursuing his grievance through the formal procedures. (Dkt. No. 122-3, p. 10).

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Defendants' Motion for Summary Judgment¹ is **GRANTED**. Plaintiff's Motion for Summary Judgment is **DENIED**. Plaintiff's Complaint is **DISMISSED**, without prejudice, due to his failure to exhaust his available administrative remedies prior to filing his cause of action. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this \mathcal{V} day of

2012.

LISA GODBEY WOOD, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA

¹ The undersigned notes Plaintiff's assertion that Defendants' Motion for Summary Judgment should have been treated as a motion to dismiss. It is apparent the Magistrate Judge treated Defendants' Motion as such, and labeling the Defendants' Motion as one for summary judgment is irrelevant to the disposition of this case.